



*United States Attorney  
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September 4, 2014

Magistrate Judge Nathanael Cousin  
Room 15-5328  
United States Courthouse  
450 Golden Gate Avenue  
San Francisco, California 94102

In re Telephone Information Needed for a Criminal Investigation, No. 3:14-XR-90532-NC-1

Dear Judge Cousins:

We are writing to inform you that on September 4, 2104, the Eleventh Circuit granted rehearing en banc in *United States v. Davis*, 754 F.3d 1205, 2014 WL 2599917 (June 11, 2014). In granting rehearing en banc, the court vacated the panel decision. A copy of the order granting rehearing en banc is attached.

Thank you for your attention to this matter.

Very truly yours,

MELINDA HAAG  
United States Attorney

/s/  
J. DOUGLAS WILSON  
Assistant United States Attorney

cc: Ellen V. Leonida  
Jennifer Lynch (Amicus Curiae Electronic Frontier Foundation)  
Michael T. Risher (Amicus Curiae American Civil Liberties Union)  
Marcia Hoffman (Amicus Curiae Prof. Susan Freiwald)

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 12-12928

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D.C. Docket No. 1:10-cr-20896-JAL-2

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

QUARTAVIOUS DAVIS,

Defendant - Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida

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Before ED CARNES, Chief Judge, TJOFLAT, HULL, MARCUS, WILSON,  
PRYOR, MARTIN, JORDAN, ROSENBAUM, and JULIE CARNES, Circuit  
Judges.<sup>\*</sup>

BY THE COURT:

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<sup>\*</sup> Senior United States Circuit Judge Joel F. Dubina has elected not to participate in further proceedings in this matter pursuant to 28 U.S.C. § 46(c).

Petitions for rehearing en banc having been filed, a member of this Court in active service having requested a poll on whether this case should be reheard en banc, and a majority of the judges of this Court in active service having voted in favor of granting rehearing en banc, IT IS ORDERED that this case will be reheard en banc. The panel's opinion is VACATED.